

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DEFENSE DISTRIBUTED and SECOND)
AMENDMENT FOUNDATION, INC.,)
)
Plaintiffs,)
)
)
 vs.)
)
GURBIR GREWAL, in his official capacity as)
the State of New Jersey's Attorney General; and)
MATTHEW DENN, in his official capacity as)
the State of Delaware's Attorney General, et al.)

Case No. 1:18-CV-637

Defendants.

**DEFENDANTS GURBIR S. GREWAL AND MATTHEW DENN'S MOTION TO
EXTEND THE FILING DEADLINE FOR RESPONSE IN OPPOSITION TO
PLAINTIFFS' RULE 59(e) MOTION TO ALTER OR AMEND THE JUDGMENT**

Defendants Gurbir Grewal, the Attorney General of the State of New Jersey (“NJAG”) and Matthew Denn, the Attorney General of the State of Delaware (“DAG”), file this motion to extend the filing deadline for their response to Plaintiffs’ Rule 59(e) motion to alter or amend the judgment. Dkt. 102.

ARGUMENT

Defendants NJAG and DAG respectfully request a two-day extension of the deadline for their response to Plaintiffs’ Rule 59(e) motion to alter or amend the judgment. While unclear, Defendants NJAG and DAG assume the response’s current filing deadline is Wednesday, March 6, 2019 based on the terminology of Plaintiffs’ motion.¹ Defendants request that the deadline be

¹ Although one could interpret the substance of the motion itself to request a motion for new trial—which is a dispositive motion under Local Rule CV-7(d) for which 14 days are afforded

extended to Friday, March 8, 2019 because of technical difficulties experienced by outside counsel in email communications regarding a response to the motion.

Specifically, while finalizing Defendants' response to Plaintiffs motion, undersigned counsel learned that issues with his law firm's email server had been delaying both inbound and outbound emails. The delay was not discovered until late in the day, and ultimately undersigned counsel did not have a sufficient understanding or ability to confer with and obtain client approval of the prepared filing. When these technical difficulties were realized, undersigned counsel also reached out to counsel for Plaintiffs, but as of the filing of this request, no response has been received, which could also be caused by the same technical email difficulties.

The Court should grant this extension request, as doing so will afford undersigned counsel adequate time to properly confer with his clients and respond to Plaintiffs' motion. While Defendants expect to file their response tomorrow, because the technical difficulties are still persisting, undersigned counsel is requesting a two-day extension out of an abundance of caution.

CONCLUSION

For the reasons set forth above, Defendants NJAG and DAG's move to extend the filing deadline to respond to Plaintiffs' motion to alter or amend the judgment for two days, or until March 8, 2019.

a response—a “motion to amend or alter the judgment” is not listed under CV-7(e) as a “dispositive motion,” and was therefore calendared as a response to a nondispositive motion with a deadline of 7 days after filing of the motion instead of 14 days.

DATED: March 6, 2019

Respectfully submitted,

Pillsbury Winthrop Shaw Pittman LLP

BY: /s/ Casey Low

Casey Low
Texas Bar No. 24041363
401 Congress Ave., Suite 1700
Austin, Texas 78701-4061
Phone: (512) 580-9600
Fax: (512) 580-9601
casey.low@pillsburylaw.com

Kenneth W. Taber (admitted *pro hac vice*)
Benjamin D. Tievsky (admitted *pro hac vice*)
Pillsbury Winthrop Shaw Pittman, LLP
1540 Broadway
New York, NY 10036
212-858-1813
Fax: 212-858-1500
kenneth.taber@pillsburylaw.com
benjamin.tievsky@pillsburylaw.com

Attorneys for Defendants GURBIR S.
GREWAL and MATTHEW DENN

OF COUNSEL:

Joseph C. Handlon (DE ID #3952)
Wilson B. Davis (DE ID #5154)
Deputy Attorneys General
Delaware Department of Justice
820 N. French Street, 6th Floor
Wilmington, DE 19801

Lorraine Karen Rak
Melissa Medoway
Jeremy Feigenbaum
New Jersey Attorney General's Office
124 Halsey Street
5th Floor
Newark, NJ 07102

CERTIFICATE OF SERVICE

I hereby certify that on March 6, 2019, I electronically filed the foregoing using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Casey Low
Casey Low